

NICARAGUA: NO FREEDOM OF EXPRESSION FOR THE FOURTH YEAR IN A ROW

Executive summary

Nicaragua hit rock bottom in 2023 by keeping to the last place out of the twenty-two countries in the Americas and, for the fourth consecutive year, the nation lacks freedom of expression, while exhibiting a score of 8.50 out of a theoretical maximum of 100 in the Chapultepec Index. The absence of the right to freedom of expression is evidenced by an oppressive structure in all environments and realms which has triggered at least 167 attacks against journalists and media institutions; hostile actions such as the shutdown of media outlets, detentions, the commencement of court proceedings, the confiscation of property; and even stripping Nicaraguan press people of their citizenship.

Introduction

This Chapultepec 2023 Index covers the assessment carried out from August 2, 2022 to August 1, 2023; a period characterized for hostilities against freedom of expression and the press by the Nicaraguan government. Organizations that follow up on the topic, through the Voices of the South (Voces del Sur) report, and the Inter American Press Association's (IAPA) briefing, recorded 167 attacks and twenty-seven threats against journalists and media outlets aloo of the government.

In spite of the fact that, during the last quarter of 2022, there was a decrease in cases of attacks against freedom of expression:

[...] the truth is that these months were characterized by journalists being afraid to make public the threats and aggressions they had experienced. Many of them, unable to find alternatives, were forced to leave the country in total silence lest put their families at risk. (Voices of the South, Nicaragua, 2023)

However, August 2022 was reported as the month with higher censorship against the media. In a context hostile to the Catholic Church, nineteen media outlets were closed, most of them being radio stations of the Archdiocese of Matagalpa, which was headed by Bishop Rolando Álvarez, who has been in prison since that date and was sentenced – in February 2023 – to twenty-six years of imprisonment for exercising his right to freedom of expression.

Other shutdowns followed afterwards. In June 2022, the shutdown of the print media The Catholic Voice (La Voz Católica) was announced, as result of the suspension of the legal status

of the Association of Catholic Publications (Asociación de Publicaciones Católicas), in charge of its production.

In Nicaragua, by law, the notifications of media shutdowns are required to be issued by the government's regulatory body, the Telecommunications and Postal Services Institute (Instituto de Telecomunicaciones y Correos, TELCOR). However, since September 2022, the notifications of media shutdowns have been made by the directors of pay television companies in the country's municipalities; in other cases, the shutdown of TV stations and cable programs were even carried out by partisan secretaries of the ruling party, the Sandinista Front (Frente Sandinista).

All these actions prove the degree of legal uncertainty that the country is undergoing, where the media are closed as an evident violation of the processes and norms established by the laws for that purpose.

On September 27, 2022, following TELCOR's directives, private television companies took *CNN en Español's* signal off the air leaving Nicaraguans without this international media outlet that feature Nicaraguan news on its agenda and which had a large audience in the nation.

The year 2023 also started with a series of attacks against journalists and media outlets. On February 9 of this year, the Ortega and Murillo regime ordered the expulsion to the United States of 222 political prisoners, including four journalists, a political commentator, and activists who used social media to voice their opinions and denounce human rights violations.

In April 2023, during Easter, the regime gave no truce to the freedom of expression of citizens, and on Maundy Thursday, jailed journalist Víctor Ticay, a correspondent for *Canal 10* in the municipality of Nandaime, south of Managua, for broadcasting a procession of the Catholic Church. In August 2023, he was sentenced to eight years in prison for the crime of broadcasting false news.

In May 2023, three other journalists were arrested by the police under Ortega's control: William Aragón, Oscar Vallecillo, and Hazel Zamora were charged with the crime of disseminating false news. The journalists were prosecuted and ordered to appear in court every week to sign in the corresponding courts logbooks, reported the platform Press Freedom Alerts (*Alertas Libertad de Prensa*).

In that same line, the period assessed recorded detentions, closure of media outlets, verbal hostilities, suspension of the nationality of Nicaraguan journalists, access denial to some journalists entering their own country, the confiscation of the properties of exiled journalists, and the quiet forced migration of several journalists.

Analysis of environments: "Zero" Freedom of Expression

Nicaragua's four branches of government -Executive, Judicial, Legislative, and Electoral- have lacked independence since President Ortega took over; all of them are controlled from the Executive by the Ortega and Murillo regime, in such manner that there are no institutions that respond to the international commitments entered by the Nicaraguan government in the area of human rights.

The exercise of the right to freedom of expression has been eradicated by the regime as evidenced in the period analyzed. It was observed that the regime kept applying the so-called

repressive laws such as the "cybercrimes" law, and the Sovereignty Law (Ley de Soberanía), which allow them to imprison adversaries or anyone who voices on the actions of the regime and its officials through any news outlets or social media.

Vice president Rosario Murillo continues to threaten adversaries through her media and expresses all kinds of expletives against people who dare to question her government.

Legislative environment: Repressive laws passed in minutes

The legislative environment obtained a score of 6.58 points in the maximum scale of 10.00, placing the nation in the boundary of "strong influence" against freedom of expression, with a general degree of unfavorable influence of 7.58, which translates into "very strong influence".

Within the period surveyed, its negative degree towards freedom of expression manifested through the quick and arbitrary approval of the suspension of the legal status of civil society organizations, media, universities, and even charitable organizations of the Catholic Church.

The cancellation of these legal entities is, without a doubt, a blow to the freedom of expression in Nicaragua, as it silences academics in universities (they are prevented from exercising their academic freedom); it deters women's organizations from empowering other women about their rights, and it even silences people considered "risky" as they refrain themselves from demanding their social welfare.

The alignment of the legislative environment to the repressive policy of the Ortega regime and against its own people was evident during the plenary sessions where there was no debate, but only an official discourse of zero tolerance towards other ideas, and where anyone attempting to challenge them was subject to verbal attacks and even arbitrary detentions.

Judicial environment: A recipe book for prison and torture

During the period analyzed, the judicial environment became the repressive body *par excellence* of the Ortega regime, which was evidenced through the score obtained of 7.42 out of the maximum of 10.00 points, with a "strong influence" against freedom of expression, and where the four realms reached between 7.72 and 8.25, indicating a "very strong influence".

Justices and Judges of the Judicial Branch institutions shamelessly set aside the rule of law and worked in accordance with the repressive policy of the regime through the opening of trials and sentences lacking due process against adversaries, journalists, priests, and any person who raised their voice to claim any rights to the Ortega government during the year under analysis.

These courts, controlled by zealots of Ortega and Murillo, did not process any appeals to favor political prisoners, including for the cases of four journalists who had been prosecuted - one of them imprisoned and tortured - for having exercised their right to freedom of speech and the press.

Executive environment: The main repressor of freedom of expression

The executive environment scored 7.50 out of a maximum of 10.00 points, with a degree of "strong influence" over the lack of freedom of expression in Nicaragua. The Executive Branch,

controlled by the presidential couple, Daniel Ortega and his wife, Vice President, Rosario Murillo, is the main head of the repression in Nicaragua against journalists and citizens who dare to express a different opinion.

Also, within this environment, the four realms recorded ratings between 7.78 and 8.33, which evidence a "very strong influence" on the non-existent freedom of expression in the country.

Through repressive institutions, like the national police, the prosecutor's office, and the judicial courts; anyone who raises their voice against the government in any media or communication platform is imprisoned and prosecuted.

Critical and independent journalism has been exterminated in Nicaragua and the citizenry remains silent in the presence of police abuse, high cost of living, poor health services, education, transportation; garbage problems, and exploitation of the forest or corrosion of the roads. Nothing can be questioned by the people that the government ironically calls "the presiding people".

Realm A: Informed and Independent citizens

This realm attained a rating of 1.83 from a theoretical maximum of 23.00 for the Chapultepec Index. Citizens did not have access to a plurality of the media outlets because there was no such offer in the country due to the predominant censorship.

In this realm, the flow of information was placed at 1.83 out of a theoretical maximum of 11.00 points. This indicates that there is scarce circulation of real information about what is happening in the country due to the shutdown of independent media.

With respect to citizens "free to express themselves" the score was 0.00, out of a theoretical maximum of 12.00, which shows that the people live in constant fear of openly express themselves due to the repressive policy of the regime.

The only way for citizens to achieve access to what is really happening in the country is through the digital media, which operate from exile with an agenda on human rights and where the right to freedom of expression is guaranteed.

Another way to remain informed is through social media, but people who live in Nicaragua can only see what is published on those networks and in the independent media; they are not allowed to express their opinions, or partake in any debates, fearful of being identified by regime officials. To be able to interact, most people use accounts with false names. Social media are the only means by which citizens – using fake accounts – can express themselves and vent about what is really happening in Nicaragua.

A large number of pro-government media outlets present in the country only report and offer a fabricated image of the nation that is used as government propaganda.

Realm B: The practice of journalism

In this realm, the score was 3.67 out of a theoretical maximum of 10.00. Although there are some media outlets aloof from the government, these have changed their news agenda or their profile so as not to talk about democracy or citizens' rights, since it is impossible to practice journalism freely in Nicaragua.

Presently, journalism has been constrained to having a sensationalist or entertainment outline; the agenda is curtailed to news on events, business, sports, or entertainment.

On the commemoration of the National Day of Journalists, on March 1, 2023, the Independent Journalists and Communicators of Nicaragua movement (Periodistas y Comunicadores Independientes de Nicaragua, PCIN), from exile, warned that journalism in Nicaragua is in crisis.

"The reasons that lead to calling Nicaraguan journalism a profession in crisis are the number of journalists who have chosen to carry out reasons unrelated to their profession, to safeguard their life, freedom, and security." (PCIN Communiqué, March 1, 2023).

Realm C: Violence and impunity

In this realm, a score of 1.50 was obtained out of a theoretical maximum of 42.00, which shows that there are powerful reasons why the free exercise of journalism is not practiced in Nicaragua.

The "Protection" category scored 0.42, out of a maximum of 5.00; "Persecution": 0.00 out of 7.50; and "Impunity": 1.08 out of 8.50. This shows that there is no protection for freedom of expression in Nicaragua; on the contrary, there is a high rate of persecution and harassment of people who exercise this right and, the most serious thing, there is a high rate of impunity which leaves its citizens totally unprotected.

Merely being a journalist, *YouTuber*, communicator, or *influencer*, puts the person in the "crosshairs" of the authorities who follow up on all publications or any comments alluding to human rights or freedom of expression, which become grounds for suspicion, even threats of imprisonment, and the siege of homes by the police.

Impunity rules in all the above cases, citizens and communicators have nowhere to go to report violence as there is no human rights organization in Nicaragua.

Police and regime zealots verbally insult or attack journalists through comments in social media. Even the arrests of four journalists occurred with full abuse and impunity during the period under survey.

Realm D: Media control

This realm obtained a rating of 1.50 out of 25.00, which means that most of the media in Nicaragua are under the control of the Ortega regime, committed to the dissemination of the official narrative, and in the case of the media aloof from the government, these have to follow the same official line with respect to information; otherwise, they are at risk of shutdowns and confiscations.

The "Direct Control" category in this realm obtained 0.50 out of 19.00 and the "Indirect Control" attained 1.00 out of 6.00. This clearly demonstrates the absolute control of the media by the Ortega and Murillo regime.

Press conferences do not exist in Nicaragua, only the reading of press releases by (government) officials with the presence of the media, whose journalists are not allowed to ask questions.

The government's media agenda is controlled by Vice President Rosario Murillo, who has the final say on the issues being addressed.

Conclusions

For the fourth consecutive year, Nicaragua is on the list of the three countries in the Americas where freedom of expression is non-existent and, to top it up, during the period from August 2, 2022 to August 1, 2023, it ranked last among the twenty-two countries surveyed as the nation scored 8.50 out of a theoretical maximum of 100.

The scores for the legislative, judicial, and executive environments range from 6.58 to 8.33, indicating degrees of "strong influence" and "very strong influence" on freedom of expression.

The four realms suggest degrees of "very strong influence" in all environments (executive, legislative, and judicial), which indicates that all of them are unfavorable to the exercise of freedom of expression in Nicaragua, while also evidencing the absence of this citizen's right in the country.

Throughout the year analyzed, five kidnappings - or temporary forced disappearance of journalists - were reported (these later appear in the main torture prison known as *El Chipote*). Also, according to a report about Nicaragua by the organizations Voices from the South (*Voces del Sur*) and the Foundation for Freedom of Expression and Democracy (Fundación para la Libertad de Expresión y la Democracia, FLED), 167 attacks and threats against journalists were documented.

Also during this year, there were reports of 27 attacks against media outlets and the forced displacement of 41 journalists inside the country and abroad.

During this period, the Ortega regime waged an all-out war against the media. Just during the month of August, 19 media outlets were raided, closed, and confiscated.

The attacks against the media continued throughout the year. In June 2022, the regime closed and confiscated Managua's digital media outlet, The News Trench (La Trinchera de la Noticia). During the same month, authorities ordered to shut down the pay TV station *Channel 9* in the city of León and, by the end of the year, in November, the radio station *My Voice* (Mi Voz), located in the same city, was also closed.

Throughout this year, "...the prosecution of journalists and people associated with the media stands as one of the most visible retaliation against freedom of the press in Nicaragua" (*Voces del Sur* report, 2022).

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